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SPEECH

OF

MR. A. P. BUTLER, OF SOUTH CAROLINA,

ON THE BILL TO

INCREASE THE ARMY.

DELIVERED IN THE SENATE OF THE UNITED STATES, JANUARY 17, 1848.

Mr. BUTLER said: The bill upon your table, sir, proposes to raise ten additional regiments, or ten thousand men, rank and file, in addition to the regular army now existing, and under the control of this Government. This bill has been reported by the Military Committee in conformity with the recommendation of the President; and we are also informed that it will be followed by another bill, giving to the Executive authority, whenever he may think proper to exercise it, to call out twenty thousand volunteers. These are the measures which will form the subject of our action at this time. By the existing laws, the President of the United States has the basis of an army of sixty thousand men. There are twenty-eight regiments of regulars, I believe, and about thirty-two of volunteers, which have been authorized to be called into service during this war. I cannot be precise, however, as to the number of men who have been actually in service, but it is certain that if all the regiments of regulars were filled up, there would be about twenty-eight thousand eight hundred, or very nearly thirty thousand men; and I understand there are about thirty thousand volunteers. It is true that of this number we have not now in the field, or under the actual command of officers, more than forty-five thousand; but it is sufficient to say that the President of the United States, as commander-in-chief of the army of this confederacy, has the power to call out at this time—if we put the means in his power to pay them—sixty thousand armed men. He now asks that we should add to this number ten regiments, to be raised by enlistments; and, I suppose, by another bill, twenty thousand volunteers to be placed at his disposal, making in all ninety thousand men. These, together with the seamen and marines, which are also a portion of the armed force, would make, if they were called into actual service, one hundred thousand men.

History generally takes notice of the more prominent points in the progress and policy of nations, and it must certainly be remarked in aftertimes that the largest army ever raised to be concentrated upon one single object, by the Republic of the United States of America, was an army of invasion, and that too, for the invasion of her nearest neighbor, and the only other Republic on the North American continent. Posterity, sir, will have a right to inquire why it was that the councils of the United States had thought proper to exert the highest attribute which, perhaps, can be exerted for carrying on a war of this description. We are indeed told by the President, or those who speak for him on this floor, that although this number of men may be at his disposal—although he may call them out under the authority of existing laws—yet he is not likely to have over two-thirds of that number actually in service.

Towers, printer, corner of D and 7th streets, opposite National Intelligencer.

Sir, this leads me to another question which I am bound to notice in passing : Why is it that the Executive, as we are informed, cannot raise the number of troops which, by law, he has authority to raise, for carrying on this war in the heart of Mexico ? Why is it ? Does it arise from popular aversion against entering into such a service as this ? If it were a war for the defence of our own soil, do you believe that five times that number could not be called into requisition ? Sir, at the voice of the Executive of the United States, ten times that number would spring up, ready to defend the national honor and the soil of this Republic. And I must here make another remark : if all parties in the United States were to concur in the justice and propriety of carrying on this war, I would answer for it that the President could not say that it was out of his power to raise the number of troops which the laws of the country authorise him to raise. But, sir, the very fact that he is unable to raise these troops by the means which have been put in his power, is, I think, one of the omens which a wise ruler should regard in administering the trust—the sacred trust—that is committed to him.

Before, sir, I proceed further to discuss this bill, or advert to some of the tendencies of this war, I beg leave to address myself particularly to the propositions for amendment which I have had the honor to submit. I do not propose by the amendment to withhold from the President the troops, or such number of troops as may be required, but I propose to raise them in a different manner. And I know that I am likely to incur the censure of those who sustain the measures of the Executive, and perhaps I shall encounter the criticisms of those who, speaking *ex cathedra*, may find fault with the measure which I have suggested. Sir, I have not brought forward my proposition without consulting those who are better acquainted with the subject than I am, nor have I brought it forward for the purpose of thwarting the measures of the President. But, sir, this is a conjuncture of affairs which calls upon every man who feels an interest in the welfare of the Republic, to express himself freely, fearlessly, and openly, upon all matters that come before us. This is not the first time that I have found it necessary to differ with the President, as regards some of the measures which he has advised for carrying on this war ; and I am happy that I did contribute, at the last session, to defeat some of those measures, which, in my opinion, would have been inconsistent with the public interests. But I think that this is a position of affairs in which every man should make his views clearly understood. It is a time when every one should pause and look around, and make his own reckoning ; for I solemnly believe that every step we are taking, we are going deeper and deeper into the labyrinth of a dangerous and inextricable policy, from which we may find no clue for an honorable and safe retreat.

There are those who look on the fair side of things always, and if the President had recommended that we should put at his disposal two hundred thousand men, I believe there are those on this floor, and in the other branch of Congress, who would have voted for it, if on no other ground than that it came from the Executive, who is responsible for this war. I believe they would have voted for any number of men which the President might have called for, and if all the schemes—the magnificent and splendid schemes in contemplation were to be carried into operation by the Executive, if it would require an army of two hundred thousand men. Yes, sir, if we are to go on with this enterprise of conquering and subjugating the Republic of Mexico—either with a view of absorbing the whole of that Republic, and making it a part of this confederacy, or of making her a dependant province—it would not be an extravagant propo-

sition for the President to ask for two hundred thousand men to enable him to do it with security and safety. There are those who, looking at objects in the distant horizon, sometimes neglect to look at the clouds which hang above their heads, and which are ready to burst upon them. And that is the case with some gentlemen on this occasion, who, while they are indulging themselves in splendid visions of revolutionizing Mexico, and making her a part of this Republic, or making her dependent on us, are neglecting to look at the dangers which surround our institutions. I therefore have introduced this amendment, in some measure, that I might have an opportunity of examining more particularly into the tendency of the measures that are hereafter to be proposed. I want information and light. My amendment—for I mean to address myself more particularly in the first instance to that—goes only so far as to add to the different regiments of the army—the riflemen, the infantry, the artillery, and the dragoons—although by some unguarded omission the dragoons seem to have been left out; to add, I say, to each of these regiments three hundred men. By adding thirty men to each one of the companies, it will give a regiment on paper of thirteen hundred men; such a number is common in the British service—many of the regiments having 1,500, or 150 to a company. By the present regulation there are 100 to each company; but, in fact, there are scarcely over 80 for duty: and if 30 were added there would not be over 100 on ordinary duty—a number sufficiently convenient for four or five company officers. And for this increase I only propose to add two subaltern officers—and in some cases none at all—provided, however, there be five officers to each company; and in this way I shall raise 7,500; not so many, to be sure, as the President has asked for and the committee recommended. But I can raise in this way 7,500 men without the necessity for more than a very few additional officers. I have this recommendation in favor of my system—that it will certainly be the most efficient mode of raising additional troops for active service. I think this position cannot very well be controverted—that raw troops, mingled with disciplined soldiers, are more readily assimilated and rendered efficient; and all military men will tell you so. They will be better officered, too, having those officers who are experienced. I know there are those who entertain the belief that officers can be selected from civil life, equal in every respect, for such a war as this, to trained and educated officers already in the army. I believe, Mr. President, there never was a greater heresy; but if the truth were known, and the testimony of officers of the army obtained, we should be entirely satisfied that those battles which have so signally illustrated the American character in this war, from the battles of Palo Alto and Resaca de la Palma to those of Contreras and Churubusco, were to be attributed to the skill and ability which were displayed by the officers of our army who were educated at West Point. I know there have been splendid achievements performed by the volunteer corps; but the truth is, that both the soldiers and officers of the volunteer corps relied with an abiding confidence in all operations of the army upon the science and skill of those who directed the operations.

Well, sir, in raising a force of this kind, you put them under just such men—not officers from civil life, but those already trained and accustomed to the service. The soldier himself will be better trained, and he will be better taken care of; it will, therefore, be a measure recommended by considerations of humanity. I think this proposition cannot be disputed, that it will be a more efficient corps, and that the transition to efficient soldiers will be more easy and expeditious.

My next proposition is, that it will be cheaper. We have a right to look at the history of the ten regiment bill which passed Congress at the last session, with a view to ascertain the true character of this measure. And what was the character of that bill? I do not mean to say that the President intends to ask for two major generals and four brigadier generals, and the full complement of other officers, as on that occasion; but whether that be the case or not, it is very certain that, under the bill before you, there must be ten entire regiments raised; and, for the purpose of officering these regiments, you must have ten colonels, ten lieutenant colonels, twenty majors, one hundred captains, and three hundred lieutenants. Now, in point of cost, there is very great difference between the two; the one has the recommendation of being cheaper, and, when raised, the troops will be more efficient. There cannot be a difference of opinion on these two propositions.

But the objection to the plan I have suggested is, that the President cannot raise the number of troops he desires in the mode which I have suggested; in other words, that it becomes necessary, when the President wishes to raise a body of troops, to appoint popular officers in the first place, otherwise he cannot get them. That is the argument. I have heard it said, if you adopt this plan the men cannot be raised, because the officers under whom they are to serve, are already appointed. It does seem to me, sir, however, that the men can be readily raised. I can see no reason why they cannot. I do not see why men will not enlist without having the excitement of a political movement every time we call for additional troops. If this be the case, it is high time that we should examine into the true merits of this war, especially in regard to the character of the troops to be employed in it. However, sir, I have submitted the amendment for what it is worth. If the troops should be raised under it, they will stand thus: General Scott has now at his command about thirty-one thousand in the aggregate, about two thousand of whom are in garrison at Tampico and Vera Cruz. The remainder are now under his immediate command, in and near the city of Mexico. I understand, from military men who are recently from there, that he has a movable column of twenty thousand, to carry on offensive operations. I do not pretend, of my own knowledge, to say what the number of his available force is; but, if seven thousand be added to those which it is said are now under his control, he will at least have twenty-seven thousand; and there are to be recruited, under the existing laws, to fill the old regiments, six or seven thousand more; add these, and he will have at least thirty-four or thirty-five thousand—a number sufficient, not only for garrison duty, but for active operations at any point to which they may be directed. Why, sir, Bonaparte had not, at some periods during his first campaign in Italy, more than thirty-five or forty thousand men. And what is it that these troops are to be required to do? Not to fight battles. We are told they are not to fight battles. What are they to do? They are to overrun the Mexican States, to disarm the population, to confiscate the public property, to sequester the revenues, and to become the armed jailors to those persons who will not take their parole. The soldiers to be raised now, are not soldiers who are to be animated by the love of glory and the spirit of military adventure; their office is neither more nor less than to be armed tax gatherers or jailors. They are to sweep through the country for the purpose of gathering treasures, and keeping in awe a feeble and distracted population. But, sir, the experiment has to be made; and, though Gen. Scott, has recommended an addition which will make the number of troops amount to fifty thousand, I am satisfied that the Execu-

tive will carry on his operations whether that number be added or not. I, for one, will be perfectly willing to accelerate, as far as I may be able, all operations that may be necessary to bring the war to a successful issue. But it does seem to me that, if we grant seven thousand regulars, to be added to the army in the manner I propose—which is as much as has ever been employed under any general of this country in the service—it will be sufficient for any purpose that can be desired in order to bring this war to a close; and I trust in God it is the last war of invasion in which we shall ever be engaged.

But while I have thus intimated my purpose to concur to some extent in raising the number of men which the President may require for his immediate ends, I cannot shut my eyes to the tendency of the measures which are likely to be adopted as the permanent policy of this Government. The President has told you, in his message, that it is not his design to carry on this war for the subjugation of all Mexico, or the destruction of her nationality. But I have seen enough, sir, to satisfy me that the current of consequences is carrying the measures recommended even by the Executive himself far beyond his control.

Since the discussion of this subject commenced, within the last fortnight, there have been demonstrations of public opinion not to be mistaken. I have heard it openly avowed that this war is not to be carried on merely for the purpose of making peace with Mexico under a satisfactory treaty, but that it is to be prosecuted with the more obnoxious design of conquering Mexico and bringing her into subjection, either as an independent province, or to be annexed as a part of our territorial government. Sir, it is not to be disguised. When my colleague first intimated that such would be the tendency of the measures recommended by the President, the friends of the President on this floor—and I have no doubt they spoke by authority—repudiated the idea, and said that nothing was further from the intention of the President than such a design. I cannot impute to the Chief Magistrate the disguise of any design under the cover of ambiguous terms. He has said—and I believe he was honest when he said it—that it was not his purpose to subjugate Mexico and destroy her nationality. But if the President should be unable to control the result of his own measures, what difference will it make to the people whether it arises from design, from ignorance, or from his inability to control the consequences of the measure which he himself proposes? The effect will be the same. Are we any nearer peace now than we were at the commencement of the campaign, which has fulfilled the most sanguine expectations, in a military point of view, of all those who were interested in the accomplishment of the designs of the Executive? I can never forget the time when that campaign was under discussion in private circles—the deep anxiety that I felt on the subject. I mean the campaign which may be denominated the Vera Cruz expedition. There were men who foreboded the greatest evils—men who looked at it with a distrustful eye, who denounced it as rash and unmilitary, and one likely to result in disaster and disgrace. Gentlemen will recollect the deep anxiety which was felt by all who had friends or relatives in that expedition, at the time of the landing of Gen. Scott at Vera Cruz. And, when it was ascertained that they had landed in safety upon that soil which was destined to cover the bones of so many of our gallant soldiers, the common feeling throughout the United States was one not only of proud exultation at the splendid success of our arms, evincing both skill and courage, but of joy, at the prospect of returning peace. Peace was then confidently calculated upon, but no peace came.

General Scott was then in the most difficult of all situations. He had not only to fight his way against an enemy, and a formidable enemy, but he had to fight for the escape of his army from the effects of the climate, to save his men from certain destruction; for, if he had not been able to pass the heights of Cerro Gordo, the climate would have destroyed more than would have fallen by the sword of the Mexicans. And with what number of men was it that General Scott landed? Not over thirteen thousand; and with not over eight thousand he passed the heights of Cerro Gordo. He was obliged to use the utmost expedition, or risk the consequences to be apprehended from the diseases of the country. He was reduced to the necessity of risking the issue of an unequal contest in passing that which was regarded as the most impregnable of any position which had been selected by the Mexican Government. If the incidents and events attending these battles had been written by a Plutarch or a Livy, the reader would have felt his cheeks glow in perusing them. He would have found recorded names which are destined to go down to posterity, at whose mention the American heart will exult. There are many who did not feel the excitement incident to that first, and perhaps I may say most important, victory which was gained during this eventful campaign. If not the most splendid, it must undoubtedly be regarded as the most important achievement of the campaign. I shall not undertake to describe the achievements before the walls of Mexico; it has been better done by the honorable Senator from New York. But these battles did not bring peace. The army is in Mexico: is there any peace? Have we not the right to ask the question, what have been the important results proceeding from those splendid and magnificent victories? Their soil has been enriched by the blood of those who have sacrificed their lives to maintain what they regarded to be the honor of their country. But, Mr. President, while we can take pride in the heroism of our countrymen, and rejoice with those who survive—and every one can profit by the history which will be written of the dead—we must recollect that this history is written upon tombstones—that it will be found in the neglected graves of our soldiers, whose bones and blood are now enriching a foreign soil—in the tears of widows, in cries of orphans, and in statutory provisions for your maimed soldiers. These are the only fruits, as far as we have seen, of those splendid achievements. Have you a right to expect any other? Is there a prospect that there will be any other? I would there were. The President has told us that the only mode by which he can obtain a peace is by the entire subjugation of the people of Mexico, so as to reduce them to an unconditional submission. That is the only alternative he presents. But why have we not had peace? This is an important question, and may be answered by a combination of several causes, different in their character but concurring in their effect. The people with whom we are at war are a peculiar and difficult people to deal with; having the pride of republicans they have not the intelligence to understand liberty, or the hereditary experience to protect it. The vague feeling of a blind and conceited patriotism deludes and distracts them. Hence their continued but ill-directed resistance to our invading army, and hence their continued divisions among themselves.

The army under Gen. Scott was too small for a task of such magnitude as was imposed upon it by the Administration. Instead of 13,000 men he should have had 50,000 at least. Such had been his own opinion, and such too was the opinion of another general, the brave and distinguished Gen. Gaines. Gen. Scott gave a luminous plan of operation, suggesting that the 50,000 that were first put at the disposal of the President should

have been trained at home and then been sent in a body under the direction of skilful leaders. Such a suggestion was not only treated with indifference, but was denounced as dilatory and imbecile, evincing the want of the wild energy which seemed to be demanded for the occasion. The Administration has already had the authority to use at least 60,000 men at one time, yet in its views of economy, it preferred to save money and sacrifice life.

But there are other and more prominent reasons why we have no peace, and one is from our own divisions. This war has encountered a most formidable opposition at home, and all Europe is against us. Where in all history have you found such opposition as there is to this war at this very time? I do not know what party ought to be responsible. The majority of the popular branch I understand to be against it, and we have only to look at this Senate to see the formidable array of those who countenance that opposition. A wise magistrate should take counsel from the signs of the times. Lord North pushed the current of his measures so far that he could not control them, because he would not take counsel of those eminent statesmen of their time, Fox, Pitt, and Burke. I have no right to allude to names; but let the Executive understand this much, that some of the highest names of this country are now giving him counsel—not directly, but in the form of expressed opinions—to which, if he is wise, he should give something like the attentive consideration that is due to so formidable and imposing an exhibition of public sentiment.

I cannot concur myself (and I have said so on another occasion) in the mode in which those who are opposed to the war propose to terminate it. In my opinion, it would have been best for us to have concurred in the most effectual measures for bringing it to a close; and it is possible that if we had all concurred in passing measures for bringing this war to a close, by this time Mexico would have found it hopeless to hold out any longer; but she has taken hope from the opposition to the war which has existed among ourselves. This is a Republic, moving forward on the tide of free and progressive opinion, and the current of events, in a Republic, “never did run smooth.” The freedom of debate cannot be trammelled by power, and is too frequently indifferent to the suggestions of discretion. The people govern through their representatives, and, regardless of consequences, they will speak out. Whatever may be their effect, at the time, the truth of history and the wisdom of political conduct are elicited by the conflicts of free discussion. If the demagogue, or the partizan of power, will indulge in a licentious latitude of debate, the patriot and statesman must meet him on the same ground. If opposition were to be deterred by denunciation, it would leave power to make an opinion, and then be sustained by it. However desirable it may be, it would be futile and unavailing, if we were to make an effort to withhold the views of different parties from the knowledge of the Mexican people.

But that is not, in my opinion, the most prominent or only source of her inducement to protract this war. I think Mexico has some right to complain of the exacting terms which we have been demanding of her as the price of peace. Why, sir, when the ten regiment bill was under discussion at the last session, I recollect the honorable Chairman of the Committee on Foreign Relations, acting no doubt as the organ of the Administration, advertised the whole country—before, sir, the territory was reduced to subjection by our arms, and before we had any right of conquest over it—that the least that would be demanded of Mexico, in any negotiation for peace, would be New Mexico and all of California.

Mr. CALHOUN, (in his seat.) Upper California.

Mr. BUTLER. All of California, Upper and Lower ; and, sir, I thought at that time that it was one of those declarations very well calculated to offend the pride and arouse the jealousy of any nation. No nation on earth that had a spark of national pride, could submit to be told in advance that she was to be despoiled of nearly one third of her territorial dominions, and that before we had obtained any thing by right of conquest. But, sir, this is not all. The President of the United States has gone further, and told us, in his late annual message, that not only New Mexico and Upper and Lower California had been conquered, but that he would not, under any circumstances, sign a treaty ceding them, or any part of them, to Mexico again. He has gone still further, Mr. President, and, what struck me as somewhat remarkable at the time, he has assumed that they are our territorial dominions now, and that the Government of the United States has a right to appropriate them, by extending their civil jurisdiction over them. This is nothing more nor less than assuming that we have a good title to these territories by conquest. It does seem to me, as it seemed then, and upon perusal of books upon the subject I am still more satisfied, that it is entirely against all the weight of authority in the laws of nations. There is no such thing as one nation *flagrante-bello*, acquiring title to the territory of another, until there shall have been a treaty of peace made, or an abandonment of right on the part of the conquered nation, or unless such circumstances exist as to induce other nations to recognise the right thus claimed. I know no instance, in modern times, of title to any territory being consummated and perfected by the law of the strongest, although, during war, it is one of the modes of annoying an enemy, to take possession of the territory of that enemy, if it can be seized upon by the victor.

War does not consist merely in fighting. War has other modes in which it may be conducted ; and one of these is to seize the property of your enemy for the purpose of depriving him of the means which he otherwise would have of sustaining himself in the contest. This, sir, is one mode of carrying on a war ; and so, I say, as we hold possession of this territory, we are but carrying on the war legitimately. But if the United States advertise Mexico that under no circumstances can these territories, or any part of them, be ceded or given back to her under a treaty of peace, why talk about negotiation ? Why speak of making a peace under the form of a treaty ? Why resort to such a miserable mockery ? Why seek to disguise your course under such miserable pretences ? Negotiation for what ? You will say to Mexico, " you must negotiate, but if you do, it is with this distinct understanding, that we are to hold all we have, and compel you to give up as much more as we can." Why, if she were as strong as you, she would never submit to that, because it would be degradation. And because she is a weak nation is it any reason that a neighbor should presume upon her defenceless condition, and extort terms from her which would be unworthy in her to grant in any negotiation with an equal ? What right has the Republic of the United States to graduate the scale of nations in point of dignity and influence ? If we were to consult what should be the proper example, under the influence of Christian civilization, it would be, sir, as far as possible, to raise the dignity of the only Republic on this continent, and hold it as equal with the proudest despotism or monarchy on earth. This would be right, sir ; the laws of nations are made up of precedents like this.

We should set an unworthy example were we to act otherwise in reference to a weak Power that is prostrate at our feet. It would be abhorrent,

sir, to my notions of justice. I know there are those who insist that there is no wisdom in magnanimity. Before God, I believe there is more wisdom in the impulses of a warm heart than in the devices of a crafty head, and especially if it is a crafty head looking forward to gratify certain designs of ambition.

I call upon the friends of the President to vindicate the proposition, that, before we have acquired a title according to the laws of nations by a treaty of peace, we should assume to be the owners of the land ; that we have the right to extend over it our own laws and invite our citizens to settle upon it. It has been said, sir, that a victorious conqueror is rarely deaf to the suggestions of ambition and avarice, and I am afraid we will find in ourselves an exemplification of the remark. No, sir, as a matter of policy, we should not insist on it. We have no right to insist upon it if we intend to have negotiations upon any thing like principles of equality and justice. But, as I have thus far disapproved of the mode heretofore pursued, with a view to obtain what all speak of as desirable, and what all are anxious to obtain, an honorable and speedy peace, I may be asked, what course would you suggest ? Perhaps, sir, my opinion will have very little influence, but as I have taken the liberty to indulge somewhat in censures upon the measures of others, I ought not to withhold my own opinions as to what would be the proper course to be adopted. But, before I do so, I am compelled cursorily to look back to those measures which preceded the admission of Texas into this Union, and to the situation of Texas before that union was consummated, and to examine upon what title she held the land which she claimed to possess ; whether by title acquired by her at the time of the revolution, or whether by title acquired by conquest subsequently: for a title acquired by a revolution and a title acquired by subsequent conquest are very different things. They are essentially different. Texas, as I understand, when she raised the standard of resistance to what she regarded as encroachments on the part of the Mexican Government, had no right to any part of the territory comprised within the limits of Tamaulipas ; and if she acquired any right to this territory lying between the Nueces and the Rio Grande, it is not, sir, and I undertake to say so as a lawyer, by any right incident to her in consequence of her revolution. I will point out to you, as far as I can, the extent of her title under the revolution.

As I understand, sir, some time in 1835, General Cos passed through Tamaulipas. Leaving a garrison at Goliad, he pushed forward and took up his quarters at San Antonio. Thence he sent a detachment of soldiers to take possession of some cannon at a village in the neighborhood. Well, the first symptom of the revolution was the rising of the people of this little village to prevent their cannon from being taken. They were not content to limit their exertions simply to prevent the taking of their cannon, but they raised an army and drove back General Cos and reduced him to the necessity of entering into stipulations that he would never take up arms against Texas again. This was the commencement of the revolution. In 1836, Santa Anna brought his army to the Rio Grande, which he crossed, and retook all these posts again, marking his course in blood and ashes as he passed along ; and not in the ashes of inanimate substances only, but in the ashes of the soldiers. He drove them before him. He passed the Brasos, and was going on, when at San Jacinto he was met and overthrown by the Texan army. There he was taken prisoner. The revolution of Texas was thus consummated, as far as it could be consummated, by the capture of this prisoner and the reduction of Filisola to their terms, which were the restoration of all prisoners and property in his possession.

Santa Anna entered into a treaty not only to give up all prisoners and property, but all that territory lying between the Nueces and the Rio Grande. Now, I am not one of those who maintain that this treaty gives a title; I am very far from meaning any such thing; but I resort to it for another purpose. The revolution having been conducted under the organized government of Texas proper, gives, it seems to me, the right to all the land on this side of the Nueces. But, as regards Tamaulipas, that was a distinct and separate State. What right had Texas to this? If she acquired any right, it must have been by conquest. Now, what was the nature of the possession by which she could establish her right of conquest? Why, these are the circumstances that are relied on: that some of the inhabitants who had taken refuge under the flag of General Rusk returned and settled there by his permission. At the same time the Texas flag was hoisted at Corpus Christi. So that possession of the west bank of the Nueces was kept until, on another military demonstration on the part of Mexico, the inhabitants again applied for protection, and he ordered them to retire beyond the river; they did so, and after the danger was over returned to their possessions, professing allegiance to the Texan authorities. These are the evidences of possession, and they are the evidences of the possession of only a part of this territory—a possession which, in the language of lawyers, might have given a color of title to her by constructive possession of the whole. And such, I think, would have been the legal inference, if Mexico had not had a previous and older title of possession to a part of the territory lying along the Rio Grande. But the fact is so. She had custom-houses there; the citizens acknowledged the laws of the Mexican Government, and duties were collected under these laws. Thus Mexico had recognised settlements within the disputed territory.

Such was the situation of affairs when annexation took place. Mexico had possession of a part, and Texas of a part, lying on the banks of the respective rivers, leaving the intervening space divided by a shadowy line which could not very well be distinguished. Under these circumstances the annexation took place, and General Taylor was ordered with his army to Corpus Christi, on the right bank of the Nueces, and in a part of the disputed territory. Now, was there a perfect title in legal contemplation in the Republic of the United States? I have no doubt, sir, Texas had as good a right as Mexico; there was concurrent possession. This was exactly the position in which neither had exclusive right to the whole. There was no exclusive right in either, so far as regards a definite certain title. Under these circumstances General Taylor was ordered down to Corpus Christi, with a view to occupy the territory of Texas to protect it from the invasion of Mexico. Now comes the most difficult and debatable point at issue, upon which it seems to me the merits of this war must ultimately turn. General Taylor was there by direction of the Government, and was right to remain there until he received further orders from home. An envoy plenipotentiary, Mr. Slidell, was sent to Mexico with a view to negotiate, if he could, and settle the boundary. We all know the result of this negotiation. Herrera, who was then in power, was perfectly willing to receive him, as he said, as commissioner to settle the boundary; but he could not receive him as plenipotentiary. It might have been an idle objection, but our Government insisted that the cup of reconciliation would be exhausted unless he should be received in the character in which he was sent to Mexico. After Mr. Slidell was recalled, or after he took his passports, it must be recollected that the march of General Taylor to the Rio Grande took place.

Now, sir, I am not going to excuse the President for acting on the advice and suggestions of General Taylor, in anything that he did by his orders for moving the army from one place to another. The General was placed in a situation to get information, and was bound to communicate it, with his opinion, to the President as commander-in-chief, upon whom had devolved the highly responsible office of fulfilling the directions of the Legislature. It was General Taylor's duty to take a proper position for the occupation of Texas, and to go to any point that he might be directed. Under his first orders, the General might have gone, as he seemed to think it was his duty to have done in the first instance, to the banks of the Rio Grande. He forebore doing so, for the want of certain military appliances, and contented himself by sitting down at Corpus Christi. Here he continued, in some measure, abiding the result of negotiations. His decided opinion always had been that the Rio Grande presented the best position for military reconnoissance and operations. He gave this opinion to the President, evidently under the belief that he might in certain contingencies have to resort to force to defend the occupation of Texan territory. After having given this advice, in another letter he said that, if the disputes of the two Governments could be settled by negotiations, the army might well remain where it was, at Corpus Christi. With these instructive suggestions before him, the President had a right to act as he thought proper. His duty was to hold the occupation of the country by the army. He had a large and perhaps dangerous discretion. So long as Mexico refrained from taking possession of the disputed territory lying beyond the Nueces with an armed force, or forebore to make any obvious demonstration of a design to use force—military force—the President was bound to do the same. He had his hand on the spring of a terrible engine, and was bound, under the highest obligations, to touch it with the skill and precision of a master. The question is pregnant with an important issue—For what purpose did the President order the army from the Nueces to the Rio Grande? It was done after the withdrawal of Mr. Slidell, and after it had been said that the cup of reconciliation was exhausted. Was it done in the view of having the controversy brought to a close by an appeal to the sword? If so, he acted with a criminal indifference to consequences, and in disregard of his constitutional duty, having neither the power to make war nor wilfully to place the country in such circumstances as would lead to it. In a juncture so full of danger he should have appealed to Congress. There, then, is one view of the subject in which I would hold the conduct of the Chief Magistrate entirely justifiable. If he were satisfied, from General Taylor's communications, that Mexico was making open demonstrations of a design to make a lodgment of her army on this territory in dispute, he should have prevented it by a similar movement. In such a juncture he had to use the vigilance and information of his military officer. Had General Taylor then reasonable grounds of apprehension, that the Mexican forces were moving to this point? If so, he was perfectly right in anticipating them in the contest for the possession. The issue of this controversy depends on this statement of the case. Whilst the President has no right to make war, he may rightfully use the army to repel the hostile invasion of conceded or disputed territory; but not to bring on the circumstances that would lead to such a result.

Mr. DAVIS, of Mississippi. If the Senator will permit me, I would suggest that General Taylor, in marching to the Rio Grande, met the Mexican army about half way—on the banks of the Little Colorado—and was informed by the commander of the Mexican forces that if he crossed that stream it would be held an act of war.

Mr. BUTLER. Orders were given to Gen. Taylor to move his forces from Corpus Christi to the Rio Grande. When these orders were received in January, they were communicated throughout the camp, and must have been known to traders between these points; and it was notorious in Matamoros before Gen. Taylor left Corpus Christi, that he was about to take a position, under the orders of his Government, on the Rio Grande. He moved from Corpus Christi the 11th March, 1846, and reached the Little Colorado, about the 22d of the same month. Here his attention was attracted by the sound of a bugle on the western bank of this stream, distant from Corpus Christi one hundred and ten miles, and forty miles from Matamoros. Maj. Mansfield was despatched across the river to ascertain why the bugle had been sounded, and was met by a very small party, headed by a person who represented himself to be an adjutant general of Mexican troops. Major Mansfield was told that the object of the party was to warn Gen. Taylor not to cross that river, saying if he did so, it would be regarded as the commencement of hostilities. Gen. Taylor continued his march, and as he approached Point Isabel, a settlement of about fifty inhabitants, the custom house and other public buildings were set on fire, and the settlement broken up.

The truth is, the President made this movement upon his own responsibility, under the military advice of Gen. Taylor, with a deliberate determination to run all risks, or with an indifference to them. If peace had been the fortunate result, his Administration would have claimed the glory of its accomplishment by boldness and decision. As it has turned out otherwise, they must look consequences in the face, and abide the searching judgment of history.—[*Inserted on information subsequently acquired.*]

Mr. DAVIS. The Mexican army moved first.

Mr. BUTLER. I do not recollect dates; but I understand the order to General Taylor was issued before the Mexican army advanced.

Mr. DAVIS. I do not know at what time the Mexican army proceeded to this point, but we do know that General Taylor found them in position, and they must, therefore, have moved first. That is a fair inference.

Mr. SEVIER. The order was given to General Taylor in January; in February it was received by him, and in March he was in motion.

Mr. BUTLER. But, sir, I do not think it makes a great deal of difference as far as regards the situation of affairs now. All concur in desiring to bring this war to a close by an honorable peace. And how is it to be done?

Having come to the conclusion that we are bound to maintain the rights of Texas to the territory between the Nueces and the Rio Grande—and I certainly think we are bound by the most solemn of pledges—for we have an act of this very body reciting that American blood had been shed on American soil; there it stands on your statute book, the most solemn of all declarations, that this territory did belong to Texas, and to this country by annexation; and though it was a subject of honest dispute between Texas and Mexico, and between the United States and Mexico, yet we have passed judgment upon it and said to Texas it is a part of her territory—and in consequence of that pledge it seems to me we never can yield one foot of land this side of the Rio Grande. But, sir, that is as far as I will go as an *ultimatum* of any proposition of peace to that Government. I would insist, in the first instance, in all measures of negotiation, that to the Rio Grande we are bound under the most solemn of pledges to protect the rights of Texas. But then the question may be asked—and it is a proper question—how would you establish any other line for separating the territories of the United States from those of Mexico? Will you fall back upon any line which separates Oregon from Mexico? I think not, sir. But, by way of making it as acceptable as possible to Mexico, and with a sincere

desire to terminate this war, I would not hesitate, if it were to be done tomorrow, to send the most illustrious embassy to Mexico, and to propose to her terms of peace upon this *ultimatum*, with the right, however, to demand from her to say what line she should run by way of compensating us for the claims we have against her; and I should think it no degradation. If it were a strong Government, and we were actually engaged in a contest to be decided by force of arms, it might be otherwise. But as to Mexico, feeble and prostrate as she is, with nothing to gain but much hazard in the further prosecution of the war with her, there can be no degradation in ourselves proposing or accepting honorable terms from her. It is our interest to preserve her as an independent and respectable Republic, and, instead of putting our foot on her neck, to raise her from the ground by our countenance and support. Her weakness and depression will only whet the appetite for conquest. Whilst we cannot yield our claims to the land this side of the Rio Grande, we might give her the opportunity, of saying what portion of her territory she is willing to part with on the other side of that stream, or to indicate any line, from the Rio Grande to the Pacific, that would be favorable to a permanent peace. The land that has been overrun by our troops will belong to citizens from the United States, whether it is ceded to this Government or not. It may be the interest of Mexico to yield of her own accord what she cannot hold; and, if placed in circumstances in which her feelings of national pride and dignity could be indulged, without the appearance of duress, she might consult her own policy and the wishes of this country. There is no degradation in making the experiment. If she were to indicate a line that we could not accept, we could but refuse it. If our *ultimatum* was moderate, her concessions in reference to her interests might be liberal.

This war will introduce new and mischievous elements of policy, and it is our interest to terminate it as soon as practicable compatible with national honor. The lust of conquest is not favorable to the counsels of moderation and justice; and it is perhaps idle to suggest them. As a Southern man, looking merely to sectional interests, I can see no advantage to the South in taking any line above 32°. Slave labor can never be employed above that, and I have no idea that slaveholders would settle it, should the territory above it fall into the possession of the United States. It is unnecessary here to give my reasons. I must now speak as a Senator, who is bound to act under the obligations of the constitution in reference to the interests of the entire Republic. Once let this confederacy enter into the ambitious plans of conquest, in disregard of the maxims of our fathers, and the days of the old Republic are numbered. Its fate will be read in the history of other nations. It will no longer be identified as the home of Franklin and the country of Washington, but as the empire of Augustus and Constantine. Friendship with all nations, entangling alliances with none, was the old-fashioned sentiment of former, and I believe better days.

But I may be told that the Mexicans are not capable of self-government. I believe they will have to go through the changes to which other nations are subject. They will perhaps have to endure an irksome fermentation before they arrive at that degree of refinement and intelligence which will fit them for a republican form of government. If Mexico were wise she would give all we claim. I believe it would be to her interest to give up all territory between the Rio Grande and the Sierra Madre. My object is peace, and for the purpose of securing it I am willing to make any sacrifice, except of the honor of the country. Well, I may be told, that she will reject your terms; that she will not only cling to the Nueces, but that she will give you no line this side of the boundary between Mexico and Oregon.

Suppose that Mexico rejects all overtures liberally made to terminate this war, what are we to do? Prosecute this war, devastate the country, sequester the revenues, disarm the population, reduce them to such a state that they can make no resistance, but must appeal to us, and ask to be annexed to our Confederacy? Is this desirable, sir, as a matter of policy? Is it desirable that we should reduce her to such a condition that we cannot refuse to receive her into the Union? Well, sir, this, it seems to me, must be the legitimate consequence of pushing these aggressive and invasive operations further. Suppose you take the whole of her territory, or suppose you have the whole under your control, how much do you contemplate permanently retaining? Will you take more than New Mexico and the two Californias, by way of indemnity for the just claims which you have against that Government? I ask, how much will you take? I again repeat the question, let the President and his Cabinet indicate this to-morrow. What prevents them from doing it now, at this very moment, instead of overrunning the whole country, and, after incurring all the expense attending further invasive operations, being compelled to content themselves with what they have at present? What prevents the President from taking by his army, now, as much as he wants? You can do nothing more by carrying on the war than you have already done. I understand the Senator from Mississippi has said, that it is nothing more than an experiment, and after you have made that experiment, and Mexico will not come to terms, you can only then take a defensive line.

Mr. DAVIS, of Mississippi. My position was, that holding the interior of Mexico would conduce to peace; that, when deprived of all hope of further resistance, which could result only from the presence of a powerful and well-organized army, she must then give indications of a disposition to treat, stronger than she has heretofore given. They have heretofore (and I say it without unkindness to any one) continually looked to divisions at home as likely to produce a recall of the army; and they can be cured of that heresy only by the presence of an army sufficiently powerful to show the concentrated will of this nation. That was the policy which I recommended. Further than that, I believe that it would be proper to take a line along the mountain ridge, which could be easily held; and that, if our jurisdiction were extended over it, the country behind that line would immediately become quiet; not a line territorial in its nature, beyond which we could not conduct our operations, but from which we could effectually make sorties; and not restricting us at all from holding other posts in the interior of Mexico. I will say, in this connexion, that my remarks the other day, in relation to the dangers which might threaten the army, were not made in reference to General Scott's column, which is, I believe, twenty thousand strong, and no more, though it is constantly represented as otherwise. That is not the column which is placed in danger. It is the column of General Wool, numbering six thousand men, and holding a series of posts with a long line of communication, and threatened, as I have been recently informed, with an army of fifteen thousand; and the militia numbering, as has been stated, fifteen thousand, and having immediately on its flank a valley which could turn out thirty thousand men. That little army, I thought, was in danger, and I think it may yet be in danger. Then, again, there is a smaller force in New Mexico, and a still smaller one in California. These are the positions which I wished to reinforce; and hence the necessity of adding new regiments, instead of strengthening old ones; not of sending men to General Scott, but of strengthening other columns, as well as to hold new posts and to relieve

garrisons. But I will not longer trespass on the time of the Senator, and beg his pardon for this interruption.

Mr. BUTLER. I understand the Senator from Mississippi to say, that after we have overrun Mexico, if she will not sign a treaty of peace, he then proposes to take a line, to have the better place to fight from. After he has whipped her, then he would take a line to fight from. Now the Senator seems to anticipate that peace can be brought about by taking an advantageous position from which to attack the enemy, and thus carry on the war.

Mr. DAVIS. It is a part of the same plan, and I would adopt it now.

Mr. BUTLER. I have said, and I would say again, I would much rather take no territory at all than consent to carry out the magnificent schemes entertained by some gentlemen on this floor. Why infuse the lifeless blood of a ruined republic into the healthy veins of this confederacy? Are you not tainting your own by attempting to communicate life to them? Or, if you do no more, you can reduce them to a province, and this seems to be the project of the Senator from Indiana. When you have it as a province, how will you govern it? By your armies, by prætors, consuls, or what kind of magistracy? Who will be responsible for such an office?

Mr. FOOTE. If the Senator will allow me, I would remark, that in the the proposition of the Senator from Indiana, as I understood, the word "province" was stricken out.

Mr. HANNEGAN. Certainly, sir.

Mr. BUTLER. Well, sir, all seem to anticipate, that ultimately, we should be driven to the alternative of either taking Mexico as a province, or of annexing her to this Republic. That must be the case. Why, what does the President say? You must either use your army to overcome and subjugate Mexico, or for the purpose of giving support to one of the factions there, which is in favor of peace; that is to say, the United States must keep an army there until one of the factions is strong enough to form such a Government as to enable them to go through the forms of negotiation. I have never heard, sir, nor read in history, of any people who permitted a foreign army to give protection to any party into which the country was divided, that had survived the protection itself. Why, any people that will call upon an army for protection is incapable of self government and unworthy of protection. I know that Philip of Macedon, under pious pretexts—ambitious princes make great puppets of party—contrived to have himself invited to take a part in the sacred war, for the purpose of giving protection to the weak against the profane and stronger party, and we all know the result. It was the protection of the wolf to the meek lamb. There never was a wiser remark, and one that should be more practically alluded to, than that made by the prophet Ezekiel to the council of Israel, where a proposition was discussed whether that harassed people should place themselves under the protection of Egypt as their safest reliance against the power of Assyria. If you do, you will rest on not a weak but a broken reed, that will cut the hand that rests upon it. If we make a colony of Mexico, and our army be withdrawn, how long will she remain in that condition? Such a government could not stand without the perpetual guaranty of a standing army; and to undertake to sustain a portion or a faction, with a view that they might sign a league treaty of peace, it does seem to me, sir, that it is one of those calculations that will aggravate the evil instead of relieving it. I protest against the use of the army for any such purpose; and, as far as my vote goes, it shall never be given for it. No, sir; let us make a treaty of peace as soon as we can, before the current of consequences carry us too far. I do not even hope that any suggestions of mine can lead to such a result. I believe that these mad schemes, in

spite of every warning voice, are destined to go on, and that we shall find ourselves, when they are accomplished, in a worse condition than any in which this Republic has ever been placed. I will but ask, if such be your opinion, why give the President any troops at all? Or, if it be your design to enable him to overcome all Mexico, give him a sufficient number to accomplish the purpose. I think the expedition to Vera Cruz to invade Mexico with twelve or fifteen thousand men was an inexcusable liberty which the Government took with human life. It was realizing what had been said before, that, in the calculations of American war, human life is the cheapest of all its elements. Yes, sir, the Government has gone on and made liberal drafts upon the patriotism and gallantry of its citizens, and never were they more faithfully honored. War with small forces will be always protracted. Whatever plans are to be effected, let them be accomplished with safety, certainty, and quickness, with a competent force. But I have other reasons. There is a portion of the volunteers now in the field that ought to be recalled, and others enlisted in their place. Some of them were enlisted to serve for one year. The Government, taking advantage of the circumstance of their being already in Mexico, induced them to enter the service for the war. And such has been the fate of the South Carolina regiment. They had offered their services for a year. Their pride, the regard which they entertained for the honor of their State, and their obligations to the Constitution of the United States, induced them to volunteer, and they have been drawn on in the expectation that this war would soon close, to continue in the service. I am willing, if for no other reason than to relieve these volunteers, to send other troops into the field with a view to procure their recall. But the main reason upon which I will give my vote, if I vote for this bill at all, is on the ground that I want the experiment made as soon as possible—the sooner the better for the safety of the Government. I know that all my suggestions of moderation will have very little weight; but if we are to go on with the war, let it be in such a manner as will lead to its most speedy termination.

This being the first war of invasion, it is full of startling suggestions, and should be regarded as full of admonitory instruction. The Constitution presupposes that all the supplies for carrying on the war should be exclusively under the control of Congress. Yet we are told that a large part of the revenue to support this war is to be found in the contributions to be raised from the enemy's country. By a tariff somewhat legislative in appearance, and by military coercion, the Mexican revenues are to be directed into the treasury-chest of the army. How much will be collected in this manner is entirely a matter of uncertain conjecture. By way of encouragement as to the means of carrying on the war, this source of supply is prominently paraded rather to hide the public debt, which must be enormous, than for any thing else. But, suppose it could be demonstrated that the army had a self-supplying revenue, what a commentary would it be on the futility of the supposed controlling power of Congress over the military responsibility of the Executive as the commander-in-chief of the armies of the Republic. It would place him in the condition of Charles the First, who contended for the right of carrying on war by the arbitrary collection of ship money, without the advice or control of Parliament. A general, with the ambition of Cæsar, placed in such a situation, could, at the head of a strong army, put this Government at defiance. We may not see such results in one term, but the example of to-day is the precedent of to-morrow. But when the fires of virtuous patriotism that were kindled on the altar of our country by the founders of the Republic shall have burnt down under the ambitious lust of conquest, there will be no rebuking influence left to purify and restrain lawless ambition.